

REMARKS

Applicant respectfully requests reconsideration of this application.

Claims 1-3, 5-13, 15-23 and 25-27 are pending in this application, with claims 15-22 having been earlier withdrawn from consideration.

No claims have been cancelled.

No claims have been added.

No claims have been amended.

Claims 1-3, 6-10, 13, 23 and 25-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent No. JP-04083363 issued to Hayashida Tetsuya (hereinafter referred to as "Tetsuya") in view of Japanese Patent No. JP-06232284 issued to Aoyama Yukihiro (hereinafter referred to as "Yukihiro").

Claim 5 was rejected under 35 U.S.C. §103(a) as being considered unpatentable over Tetsuya in view of Yukihiro, and further in view of U.S. Patent No. 6,215,180 issued to Chen et al. (hereinafter referred to as "Chen")

Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as being considered unpatentable over Tetsuya in view of Yukihiro, and further in view of a subset of pages provided earlier by the Examiner of a book entitled "Electronic Packaging and Interconnection Handbook" (copyright 1991 by McGraw-Hill) in which a Charles A. Harper is listed as the editor in chief (hereinafter referred to as "Harper").

35 U.S.C. § 103(a) Rejections of Claims 1-3, 6-10, 13, 23 and 25-27

The Examiner has rejected claims 1-3, 6-10, 13, 23 and 25-27 under 35 U.S.C. § 103(a) as being considered to be unpatentable over Tetsuya in view of Yukihiro.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d

981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03). Regarding claims 1 and 13, as acknowledged in the Final Office Action, Tetsuya does not show a sealant disposed in a pattern with at least one break in the pattern, wherein the at least one break in the pattern remains after the substrate and lid are assembled together. However, the Final Office Action refers to the translated abstract of Yukihiro and asserts that Yukihiro does show this. Applicant respectfully submits that this assertion is in error. A reading of the translated abstract of Yukihiro reveals that the solder layer 4 with the recessed part 5 in Yukihiro exists to allow expanding gas to be discharged while "sealing a package body" (first line of the translated abstract). Applicant respectfully submits that if a package body is being sealed, this necessarily means that recessed part 5 can no longer be present (i.e., it must be filled in) after the lid 1 is assembled with the package body 11 of Yukihiro for there to be a seal. Therefore, Applicant respectfully submits that Yukihiro, like Tetsuya, does not teach or suggest a break in the pattern of a sealant that remains after assembly, and therefore, there can be no combination of Tetsuya and Yukihiro that teaches or suggests either of these two limitations.

For at least this reason, Applicant respectfully submits that claims 1-3, 6-10, 13, 23 and 25-27 are patentably distinguished over any combination of Tetsuya and Yukihiro, and are in condition for allowance.

35 U.S.C. § 103(a) Rejection of Claim 5

The Examiner has rejected claim 5 under 35 U.S.C. § 103(a) as being considered to be unpatentable over Tetsuya in view of Yukihiro, and further in view of Chen.

Applicant respectfully submits that claim 5 depends from claim 1, and therefore, incorporates all of the limitations of claim 1, which Applicant has

asserted is patentably distinguished over any combination of Tetsuya and Yukihiro.

Furthermore, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03). Applicant respectfully submits that, as discussed, above, neither Tetsuya or Yukihiro teaches or suggests all the features of Applicant's invention as claimed, specifically, a break in the pattern of a sealant that remains after assembly. Applicant respectfully submits that Chen also does not teach or suggest this limitation, and therefore, there can be no combination of Tetsuya, Yukihiro and Chen that teaches or suggests this limitation. This deficiency is not cured by the possibility that Chen discloses a vent hole formed in the lid of a package.

For at least these reasons, Applicant respectfully submits that claim 5 is patentably distinguished over any combination of Tetsuya, Yukihiro and Chen, and is in condition for allowance.

35 U.S.C. § 103(a) Rejection of Claims 11 and 12

The Examiner has rejected claims 11 and 12 under 35 U.S.C. § 103(a) as being considered to be unpatentable over Tetsuya in view of Yukihiro, and further in view of Harper.

Applicant respectfully submits that claims 11 and 12 depend from claim 1, and therefore, incorporate all of the limitations of claim 1, which Applicant has asserted is patentably distinguished over any combination of Tetsuya and Yukihiro.

Furthermore, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03). Applicant

respectfully submits that, as discussed, above, neither Tetsuya or Yukihiro teaches or suggests all the features of Applicant's invention as claimed, specifically, a break in the pattern of a sealant that remains after assembly. Applicant respectfully submits that Harper also does not teach or suggest either of this limitation, and therefore, there can be no combination of Tetsuya, Yukihiro and Harper that teaches this limitation. This deficiency is not cured by the possibility of a teaching or suggestion by Harper of a substrate comprised of organic material.

For at least these reasons, Applicant respectfully submits that claims 11 and 12 are patentably distinguished over any combination of Tetsuya, Yukihiro and Harper, and are in condition for allowance.

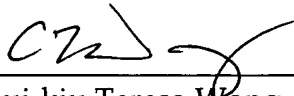
Condition for Allowance

Applicant submits that all rejections and objections have been overcome and the present application is now in condition for allowance. If there are any additional charges or shortages related to the present communication, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

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